

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE R. MARTINEZ,

Defendant.

No. 00-40093-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Martinez's motion/memorandum in support of sentence reduction (Doc. 169). On September 19, 2008, the Court, pursuant to 18 U.S.C. § 3582(c)(2), reduced Martinez's sentence 38 months - from 190 months to 152 months (Doc. 168).¹ In his motion/memorandum, Martinez argues that the Court should grant him an additional 17 months for a total of a 55 month reduction to a term of 135 months as that term of imprisonment is significant enough to punish him for his crimes. He further maintains that his criminal record is not lengthy and is non-violent; that he has been transferred to a lower security facility; that he has completed several educational programs; that he has taken responsibility for his past crime and that he still continues to have familial support. Having reviewed the record in this case, the Court finds that the reduction from 190 months

¹The Order was entered as the result of U.S.S.G. Amendment 706 as amended by 711, relating to crack cocaine.

to 152 months is appropriate. Martinez's original sentence of 190 months is in the middle of the then applicable guideline range and his reduction sentence of 152 is also in the middle of the applicable guideline range and it is consistent with the sentence previously imposed. Thus, the Court **DENIES** Martinez's motion/memorandum in support of sentence reduction (Doc. 169).

IT IS SO ORDERED.

Signed this 15th day of October, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court